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PTO/SB/61 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)
First Named Inventor: EUGENE MATZEN Application Number: 10/772,535 Filed: 02/06/2004 Title: SYSTEM FOR DETECTION OF DEFECTS IN RAILROAD CAR WHEELS	Art Unit: 3617 Examiner: FRANZ JULES
Attention: Office of Petitions Mall Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.	
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.	
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.	
1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$ <u>250 -</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).	
2. Reply and/or fee A The reply and/or fee to the above-noted Office action in the form of <u>A NEWMENT</u> (identify the type of reply): <input checked="" type="checkbox"/> has been filed previously on <u>09/06/2005</u> <input checked="" type="checkbox"/> is enclosed herewith. 10/24/2006 AWONDAF1 00000052 10772535	
B The issue fee of \$ _____ 01 FC:2452 250.00 OP <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.	

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mall Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

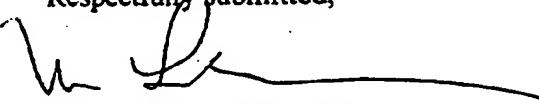
Adjustment date: 12/01/2006 CKHLOK If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.
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- c) Use of acoustical signals over the full range, not just the range above 100 Hz.
 - d) Using frequency domain conversion rather than a complex digital processing technique; applicant specifically uses an FFT device (claim 5) to get the spectrum
- a) and b) improves signal processing and reduces interference (see last paragraph on page 1).
- b) enables earlier detection of wheel defects—rather than relying on harmonic, which manifests defects only after they become catastrophic. Early detection enables taking the car out of service while it can still roll to the repair yard. A test can be completed before a catastrophe, which can shut down the rail line.

Since a system having the forgoing improvements is not foreshadowed by Hallberg, the invention as claimed in the amended claims, let alone the features of the dependent claims, would not have been obvious to anyone skilled in the art, the allowance of applicant's claims is believed to be in order and is respectfully solicited.

Respectfully submitted,

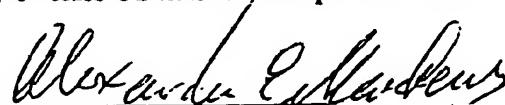


M. LuKacher, RN 17788
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Rochester, NY 14625

6 September 2005

Certificate of Mailing

This response was mailed to the above address by 1st class US mail on 6 September 2005 by the undersigned.



Alexander E. Martens

UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>11/30/06</u>		2 Serial/Patent # <u>10772535</u>			
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11 REFUND REQUESTED BY: Christina T. Donnell					
TYPED/PRINTED NAME: <u>Christina T. Donnell</u>			TITLE: <u>Petitions Attorney</u>		
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